

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

\* \* \*

GRACE ALBANESE,  
Plaintiff,  
vs.  
APPLE APPS, et al.,  
Defendants.

2:22-cv-00339-RFB-VCF

## **ORDER**

APPLICATION TO PROCEED IN FORMA  
PAUPERIS (EFC NO. 1); COMPLAINT (ECF  
NO. 1-1); MOTION TO RESCIND  
VEXATIOUS LITIGANT ORDER (ECF NO. 3)

Pro se vexatious litigant plaintiff Grace Albanese filed an application to proceed in forma pauperis (ECF No. 1), complaint (ECF No. 1-1), and motion to rescind vexatious litigant order (ECF No. 3). I strike Albanese’s application, complaint, and motion to rescind vexatious litigant order. ECF Nos. 1, 1-1, and 3. I direct the Clerk of Court to administratively close this case.

This Court previously declared Albanese a vexatious litigant. See *Albanese v. Federal Bureau of Investigations*, Nevada District Court Case No. 2:17-cv-01599-JAD-VCF at ECF No. 7 at 5 (“Albanese is deemed a vexatious litigant under 28 U.S.C. § 1651(a), and she is ENJOINED and PROHIBITED from filing any new complaint, petition, or other action in this court without first obtaining leave from the Chief Judge of this court.”) (emphasis in original). This Court has the inherent power to strike material from the docket to control litigation conduct and to supervise the contents of that docket. *Ready Transp., Inc. v. AAR, Mfg.*, 627 F.3d 402, 404-05 (9 Cir. 2010). I find that plaintiff has not complied with this Court’s vexatious litigant order when she filed her application, complaint, and motion. Plaintiff

1 will not be prejudiced because she can request leave of Court from the Chief Judge of this court if she  
2 wishes to file a meritorious action per the Court's prior vexatious litigant order.

3 Accordingly,

4 I ORDER that plaintiff Grace Albanese's application to proceed in forma pauperis (ECF No. 1),  
5 complaint (ECF No. 1-1), and motion to rescind vexatious litigant order is STRIKEN from the record.

6 I FURTHER ORDER that the Clerk of Court is directed to administratively CLOSE this case.

7 **NOTICE**

8 Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to orders and reports and  
9 recommendations issued by the magistrate judge. Objections must be in writing and filed with the Clerk  
10 of the Court within fourteen days. LR IB 3-1, 3-2. The Supreme Court has held that the courts of appeal  
11 may determine that an appeal has been waived due to the failure to file objections within the specified  
12 time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file objections  
13 within the specified time and (2) failure to properly address and brief the objectionable issues waives the  
14 right to appeal the District Court's order and/or appeal factual issues from the order of the District Court.

15 *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452,  
16 454 (9th Cir. 1983). Pursuant to LR IA 3-1, the plaintiff must immediately file written notification with  
17 the court of any change of address. The notification must include proof of service upon each opposing  
18 party's attorney, or upon the opposing party if the party is unrepresented by counsel. Failure to comply  
19 with this rule may result in dismissal of the action.

20 IT IS SO ORDERED.

21 DATED this 7th day of March 2022.

22   
23 

---

  
24 CAM FERENBACH  
25 UNITED STATES MAGISTRATE JUDGE